



Alan C. Lloyd, Ph.D.  
Agency Secretary

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor

Certified Mail: 7000 0600 0027 1155 2864

March 29, 2006

Mr. John Kara, CUPA Supervisor  
Napa County Department of Environmental Management  
1195 Third Street, Room 101  
Napa, California 94559

Dear Mr. John Kara:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and Department of Toxic Substances Control conducted a program evaluation of Napa County Department of Environmental Management's Certified Unified Program Agency (CUPA) on April 26, 2005. The evaluation was comprised of an in-office program review and field inspections. The state evaluators completed a Certified Unified Program Agency Evaluation, Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation. I have reviewed the enclosed copy of the Summary of Findings and I find that Napa County Department of Environmental Management's program performance is satisfactory with some improvement needed. Cal/EPA's Unified Program staff will coordinate with your agency to track the correction of any identified deficiencies over the time frame and schedule included in the Summary of Findings.

Thank you for your continued commitment to the protection of public health and the environment. If you have any questions or need further assistance, you may contact Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosures  
cc: See next page

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cc: Mr. John Kara, CUPA Supervisor (Sent Via Email)  
Napa County Department of Environmental Management  
1195 Third Street, Room 101  
Napa, California 94559

Mr. Thomas Asoo (Sent Via Email)  
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Mr. Brain Abeel (Sent Via Email)  
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Mr. Charles McLaughlin (Sent Via Email)  
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Mr. Moustafa Abou-Taleb (Sent Via Email)  
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STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY



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**CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION  
SUMMARY OF FINDINGS**

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**CUPA: Napa County Department of Environmental Management**

**Evaluation Date: April 26, 2005**

**EVALUATION TEAM**

**Cal/EPA: Dennis Karidis**  
**DTSC: Tom Asoo**  
**OES: Brian Abeel**

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Dennis Karidis at 916-327-9558.

	<b><u>Deficiency</u></b>	<b><u>Preliminary Corrective Action &amp; Timeframe</u></b>
<b>1</b>	The CUPA is not ensuring that businesses with minor violations return to compliance within 30 days from the date of the notice to comply. Based on a review of the File Pro database that tracks violations and corrective action, some businesses have not returned to compliance for up to 9 months.	Supervision will review the tracking document for outstanding violations on a monthly basis and ensure staff follow-up appropriately.
<b>2</b>	The CUPA does not always allow businesses with minor violations to certify that violations have been corrected. Business found to have non-paperwork violations are provided a form to certify their return to compliance. However, business found to have paperwork violations submit the required documents without certifying their return to compliance.	The CUPA will allow all businesses with minor violations to certify that violations have been corrected.

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<b>3</b>	<p>The CUPA is not citing violations in a manner consistent with the definitions of Minor, Class II or Class I as provided in statute and regulation. The inspection report contains a section at the bottom with checkboxes for Minor, Class I, Class II. When multiple violations are found on the inspection report, there is no indication which violations are being classified. In other instances the checkboxes have been left blank on the inspection report. On the 9/30/03 inspection report for Decreval, Inc., treatment of hazardous waste without a permit should have been identified as a Class I violation. In addition, facilities that have not corrected minor violations within the required timeframe are not being elevated to a class II violation.</p>	<p>The CUPA inspectors will classify each violation noted on inspection reports. In addition, inspectors will be trained and provided feedback on classification of violations.</p>
<b>4</b>	<p>The CUPA is inspecting Hazardous Waste Generators under Business Plan thresholds on a complaints basis only.</p>	<p>The CUPA will establish an appropriate inspection frequency and begin inspecting accordingly.</p>

**CUPA Representative**

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

**Evaluation Team Leader**

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

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Evaluation Summary of Findings

**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

1. **Observation:** After reviewing several inspection reports the following was found:
- ☐ It was not clear whether some inspection report findings were considered recommendations or violations. In some cases, violation citations were not listed.
  - ☐ Several violations and corrective actions identified in the inspection reports lacked sufficient detail necessary to establish the elements of a violation and the corrective action to be taken. Violations and corrective action language should be clear enough so that a third party can understand.
  - ☐ Consent to inspect, taking photos, and sampling are not documented in the CUPA's inspections reports.

**Recommendation:** Utilize the Inspection Report Writing Guidance document that was developed jointly by the CUPA Forum Board and Cal/EPA. Copies can be found on the Cal/EPA Unified Program website.

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**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The CUPA established a website for fire agencies to access Business Plan information on a 24/7 basis.
2. The CUPA established File Maker Pro database for violation tracking. The database allows the CUPA to track and ensure violations are corrected and the businesses returns to compliance.
3. The CUPA is provided a list of new business licenses on a monthly basis from the “Business License Agency”. This list allows the CUPA to ensure all new businesses handling hazardous materials above the regulated thresholds comply with the Unified Program.
4. The CUPA website is very useful and contains some of the following:
  - ☐ Information on all Unified Program elements
  - ☐ Application instructions
  - ☐ Unified Program forms
  - ☐ Service questionnaire
  - ☐ Hazardous Waste labeling information
  - ☐ Household hazardous waste brochure
5. The CUPA has previously provided training for agricultural commissioner inspectors on some of the applicable Unified Program requirements.
6. The CUPA is involved in the following outreach activities:
  - ☐ Distribution of mercury management brochures to the public.
  - ☐ Participation in a 3-year grant from the Integrated Waste Management Board to collect used oil from agricultural handlers.
  - ☐ Annual E-waste collection event.
7. The CUPA has developed and implemented the AEO process in the County of Napa. The CUPA issued it first AEO on September 27, 2004.
8. The CUPA has scanned all facility files into the Onbase database.
9. The CUPA will soon be using tablets for conducting inspections. This will allow for easy transition of information to the CUPA’s database.
10. Observations/recommendations are provided routinely to facilities.